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PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: ROGER G. D. GUERARD

Application No.: 10/679,534

Art Unit: 3617

Filed: 10/03/2003

Examiner: LARS A. OLSON

Title: Hybrid Vee Hull / Wing in Ground Effect Vessel

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of AN AMMENDMENT (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Roger G. D. Guerard
Signature

JULY 23, 2007

Date

ROGER G. D. GUERARD

Typed or printed name

Registration Number, if applicable

24 ESCAMACU CIRCLE

Address

843-441-2000

Telephone Number

SAINT HELENA ISLAND, SC 29920

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

JULY 23, 2007

Date

Roger G. D. Guerard
Signature

ROGER G. D. GUERARD

Typed or printed name of person signing certificate

24 Escamacu Circle
St. Helena Island, SC 29920



SEA ISLAND MARINE ENGINEERING, INC.
Naval Architecture & Marine Engineering

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 23, 2007

Re: 10/679,534 Petition to Revive Abandonment

Dear Mr. Lars Olson:

I am filing this Petition to Revive Abandonment for patent 10/679,534 in response to your letter signed 6/11/07. I have tried to file this petition online through the USPTO web site but the patent number is not recognized and the interactive form will not allow me to proceed. Searching the USPTO web site I did find a document providing the following information and action required and I called the USPTO Petitions Information at (571) 272-3282 to confirm the price of the petition:

1. In accordance with this please find the attached check for \$750. Note that I take strong exception to this as the USPTO created this situation. My patent has accepted claims and should have been issued under those claims which is what I expressly requested. I was never provided this option and the present situation was created by the USPTO.
2. I was unaware that my response of January 29, 2007 was late. I filed an earlier response on November 6, 2006 which was not considered because the proposed amendment to patent claims "raised new issues that would require further consideration". The USPTO response stating this was signed on December 5, 2006. I believed I had 3-months from December 5, 2006 to file my response and did speak with the patent examiner after receiving the letter to chart a course for obtaining a patent with the claims that were already accepted for this patent.
3. In response to the outstanding office action I wish to move forward with the patent by withdrawing the claims that require further consideration and issuing a patent on the claims that have already been accepted.

The accepted claims are one independent claim and one dependent claim provided below:

12. A hull for conveyance across a fluid compromising: *(previously added)*
13. A central hull with a buoyant forward section *(previously added)*
 - A outboard chines which extend below said central hull providing a means to trap air, water, or a mixture of air and water, or a mixture of air and water providing lift to the hull *(previously added)*
 - B said outboard chines provide buoyancy to the hull *(previously added)*
 - C said outboard chines are designed as a means to house water jets or other propulsion drives *(previously added)*

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Naval Architecture & Marine Engineering

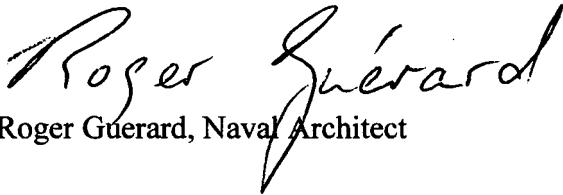
Phone (843) 441-2000
roger@sime.us

- D The hull in claim 12 wherein said outboard chines are designed as a means to produce stern wake canceling effects. *(previously added)*

The following attachment has all of the claims as previously provided with updated status identifiers. Claims 12 and 13 are listed as "previously added" and all other claims are listed as "canceled" since the status identifier "withdrawn" was not well received last time. Also, Claim 13 is now a single sentence. I apologize for the mistake, please bear in mind that this is a pro-se application. Please find the claims with status identifies attached on separate sheets of paper as required.

From our phone conversation on July 19, 2007 you stated definitively that this is a valid patent and that the USPTO had made mistakes. Also stated was that with this action the USPTO can properly award a patent, which I am counting on. I will follow up in a separate action to include the claims you wish more time to review. Please feel free to contact me if there are any questions or concerns.

Sincerely,



Roger Guerard, Naval Architect